HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 367 (S/S) of 2005

Amendra Singh Bisht, son of Sri Ambir Singh Bisht, resident of Village – Singoti Nakuri P.O. Raturi Sera, District – Uttarkahsi.

.....**Petitioner.**

V e r s u s

1. State of Uttaranchal through Secretary Law Department, Dehradun.

2. District and Sessions Judge, Uttar Kashi.

3. Chief Judicial Magistrate, Uttar Kashi.

4. Vijay Prakash Dobhal, son of not known presently posted as Vehicle Driver in the establishment of District Judge, Uttarkashi.

....Respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri P.C. Jhingan, learned counsel for the petitioner and learned standing counsel, for Union of India, who has accepted notices on behalf of respondents.

Learned counsel for both the parties are agreed to decide this writ petition at its admission stage itself.

By means of this writ petition, the petitioner, who was appointed as Driver in the Judgeship of Uttarkashi has challenged the termination order dated 21.09.2004 passed by District Judge, Uttarkashi.

Learned standing counsel has drawn my attention towards the appointment letter dated 28.6.2004 issued by the District Judge, Uttarkashi to petitioner. It has been specifically mentioned in the appointment letter that petitioner was appointed in place of Sri Kapil Dev, whose appeal is pending in the High Court of Uttaranchal, Nainital and if Sri Kapil Dev will reinstate on his duties, petitioner's services shall stand terminated with immediate effect.

Since the appeal of Sri Kapil Dev, Driver, against the termination order has been allowed by the High Court and Sri Kapil Dev has been reinstated in the service, petitioner has no claim on the post.

I found no illegality in the order dated 21.09.2004 passed by District Judge, Uttarkashi.

Writ petition is dismissed. No order as to costs.

(M.M. Ghildiyal, J.)

April 7, 2005
SKS